

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOHN FINN,

Plaintiff,

v.

SMITH BARNEY, CITIGROUP GLOBAL
MARKETS INC., CITIGROUP INC., BRIAN
WILLIAMS, and DOES 1 THROUGH 20, inclusive,

Defendants.

Case No. 08-cv-2975 (LTS) (KNF)

JUDGE LAURA T. SWAIN

NOTICE OF MOTION

PLEASE TAKE NOTICE THAT, upon the accompanying memorandum of law, the declaration of Charles E. Davidow and accompanying exhibits, and all other papers and proceedings herein, defendants Smith Barney, Citigroup Global Markets Inc., Citigroup Inc., and Brian Williams (collectively, "Defendants") will move this Court, before the Honorable Laura T. Swain, United States District Judge for the Southern District of New York, on a date and at a time to be set by the Court, at the United States Courthouse, 500 Pearl Street, New York, New York 10007-1312, Courtroom 17C, for an order staying the proceedings and granting such other and further relief as the Court may deem just and proper. Defendants also move this Court for an order adjourning the time to answer, move or otherwise respond to the complaint until no sooner than ten (10) business days from the date that the Court enters its decision on this Motion.

Pursuant to the individual practices of the Honorable Laura T. Swain, Defendants certify, through counsel, that they have used their best efforts to informally resolve the matter contained in this submission. Defendants notified this Court and Plaintiff in a letter dated April 14, 2008, of their intention to move to stay these proceedings. (*See* Declaration of Charles E.

Davidow ("Davidow Decl.") Ex. G.) Plaintiff responded in a letter dated April 16, 2008. (*See* Davidow Decl. Ex. H.) Additionally, although the parties discussed the matter contained in this submission by telephone on April 29 and May 6, 2008, no resolution was achieved.

Dated: May 6, 2008
New York, New York

Respectfully submitted,

PAUL, WEISS, RIFKIND, WHARTON &
GARRISON LLP

By: _____ /s/ Brad S. Karp

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